

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4444

To require the Congress to comply with the laws which it requires others to comply with, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1994

Mr. BARTLETT of Maryland introduced the following bill; which was referred jointly to the Committees on House Administration, Education and Labor, Government Operations, the Judiciary, Rules, Energy and Commerce, and Ways and Means

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## A BILL

To require the Congress to comply with the laws which it requires others to comply with, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—CONGRESSIONAL COM-**  
4 **PLIANCE WITH CERTAIN GEN-**  
5 **ERALLY APPLICABLE LAWS**

6 **SECTION 101. SHORT TITLE.**

7 This title may be cited as the “Equity for Congress  
8 Act”.

1 **SEC. 102. COVERAGE OF CONGRESS IN MATTERS INVOLV-**  
2 **ING EMPLOYMENT.**

3 (a) APPLICATION.—

4 (1) IN GENERAL.—The rights and protections  
5 provided pursuant to this title and the provisions of  
6 law specified in paragraph (2) shall apply with re-  
7 spect to employment by the Congress.

8 (2) PROVISIONS.—The provisions of law that  
9 shall apply with respect to employment by Congress  
10 are—

11 (A) title VII of the Civil Rights Act of  
12 1964 (42 U.S.C. 2000e et seq.),

13 (B) the Age Discrimination in Employment  
14 Act of 1967 (29 U.S.C. 621 et seq.),

15 (C) the National Labor Relations Act (29  
16 U.S.C. 151 et seq.),

17 (D) section 1977 of the Revised Statutes  
18 of the United States (42 U.S.C. 1881),

19 (E) section 1977A of the Revised Statutes  
20 of the United States (42 U.S.C. 1881a),

21 (F) the Fair Labor Standards Act of 1938  
22 (29 U.S.C. 201 et seq.),

23 (G) the Occupational Safety and Health  
24 Act of 1970 (29 U.S.C. 651 et seq.), and

25 (H) the Family and Medical Leave Act of  
26 1993 (29 U.S.C. 2601 et seq.).

1 (b) ENFORCEMENT BY ADMINISTRATIVE ACTION.—

2 (1) IN GENERAL.—A congressional employee,  
3 including a class or organization acting on behalf of  
4 a congressional employee, may bring an administra-  
5 tive action in accordance with paragraph (2) before  
6 an administrative agency to enforce the application  
7 of a law set out in subsection (a)(2) by the Congress  
8 or the congressional employer of such employee to  
9 such employee if a similarly situated complaining  
10 party may bring such an action before such agency.

11 (2) REQUIREMENTS.—An administrative action  
12 described in paragraph (1) shall be commenced in  
13 accordance with the statutory and procedural re-  
14 quirements of the law which is sought to be en-  
15 forced.

16 (3) ADMINISTRATIVE ACTION.—An administra-  
17 tive agency before which is brought an action de-  
18 scribed in paragraph (1) may take such action  
19 against the Congress or congressional employer sited  
20 in the action as the agency could take in an action  
21 brought by a similarly situated complaining party.

22 (c) ENFORCEMENT BY CIVIL ACTION.—

23 (1) IN GENERAL.—A congressional employee,  
24 including a class or organization acting on behalf of  
25 a congressional employee, may bring a civil action to

1       enforce a provision of law set out in subsection  
2       (a)(2) in a court authorized by paragraph (3)  
3       against the Congress or the congressional employer  
4       of such employee if a similarly situated complaining  
5       party could bring such a civil action.

6               (2) REQUIREMENTS.—A civil action described  
7       in paragraph (1) shall be commenced in accordance  
8       with the statutory and procedural requirements of  
9       the law which is sought to be enforced.

10              (3) VENUE.—An action may be brought under  
11       paragraph (1) to enforce a provision of law set out  
12       in subsection (a)(2) in any court of competent juris-  
13       diction in which a similarly situated complaining  
14       party may otherwise bring a civil action to enforce  
15       such provision.

16              (4) RELIEF.—In any civil action brought under  
17       paragraph (1) to enforce a provision of law set out  
18       in subsection (a)(2), the court—

19                      (A) may grant as relief against the Con-  
20       gress or congressional employer any equitable  
21       relief otherwise available to a similarly situated  
22       complaining party bringing a civil action to en-  
23       force such provision,

1 (B) may grant as relief against the Con-  
2 gress any damages that would otherwise be  
3 available to such a complaining party, and

4 (C) allow such fees and costs as would be  
5 allowed in such an action by such a party.

6 **SEC. 103. MATTERS OTHER THAN EMPLOYMENT.**

7 (a) RIGHTS AND PROTECTIONS.—In accordance with  
8 paragraph (6) of section 509(a) of the Americans with  
9 Disabilities Act of 1990 (42 U.S.C. 12209), the rights and  
10 protections provided under such Act shall apply with re-  
11 spect to the conduct of the Congress regarding matters  
12 other than employment.

13 (b) ENFORCEMENT.—To enforce paragraph (1), any  
14 person may bring—

15 (1) an administrative action described in section  
16 102(b), or

17 (2) a civil action described in section 102(c).

18 **SEC. 104. INFORMATION.**

19 (a) APPLICATION.—The rights and protections pro-  
20 vided under section 552a of title 5, United States Code,  
21 shall apply with respect to information in the possession  
22 of the Congress.

23 (b) ENFORCEMENT.—To enforce subsection (a), any  
24 person may bring—

1 (1) an administrative action described in section  
2 102(b), or

3 (2) a civil action described in section 102(c),  
4 against the Congress or a congressional employer in pos-  
5 session of information.

6 **SEC. 105. INDEPENDENT COUNSEL.**

7 (a) APPLICATION.—The rights and protections pro-  
8 vided pursuant to chapter 40 of title 28, United States  
9 Code, shall apply with respect to investigations of congres-  
10 sional improprieties.

11 (b) ENFORCEMENT.—To enforce subsection (a), any  
12 person may bring—

13 (1) an administrative action described in section  
14 102(b), or

15 (2) a civil action described in section 102(c),  
16 against any party with a duty under such chapter 40.

17 **SEC. 106. AMENDMENT TO THE STANDING RULES OF THE**  
18 **SENATE.**

19 Rule XIV of the Standing Rules of the Senate is  
20 amended by adding at the appropriate place the following:  
21 “No bill, resolution, or amendment which creates a re-  
22 quirement of general applicability but which exempts the  
23 Congress of the United States from its provisions may be  
24 considered except by a vote of three-fifths of Senators duly  
25 chosen and sworn.”.

1 **SEC. 107. AMENDMENT TO THE RULES OF THE HOUSE OF**  
2 **REPRESENTATIVES.**

3 Rule XXIV of the House of Representatives is  
4 amended by adding at the end the following:

5 “9 No bill, resolution, or amendment which creates  
6 a requirement of general applicability but which exempts  
7 the Congress of the United States from its provisions may  
8 be considered except by a vote of three-fifths of the Mem-  
9 bers duly chosen and sworn.”.

10 **SEC. 108. DEFINITIONS.**

11 For purposes of this title:

12 (1) The term “congressional employer”  
13 means—

14 (A) a supervisor as described in paragraph  
15 12 of Rule XXXVII of the Standing Rules of  
16 the Senate,

17 (B)(i) a Member of the House of Rep-  
18 resentatives with respect to the administrative,  
19 clerical, and other assistants of a Member,

20 (ii) a Member who is the chairman of a  
21 committee with respect to the professional, cler-  
22 ical, and other assistants to the committee,

23 (iii) the ranking minority Member of a  
24 committee with respect to the minority staff  
25 members of the committee,

1 (iv) a Member who is the chairman of a  
2 subcommittee which has its own staff and fi-  
3 nancial authorization with respect to the profes-  
4 sional, clerical, and other assistants to the sub-  
5 committee,

6 (v) the ranking minority Member of a sub-  
7 committee with respect to the minority staff  
8 members of the subcommittee,

9 (vi) the majority and minority leaders of  
10 the House of Representatives and the majority  
11 and minority whips with respect to the re-  
12 search, clerical, and other assistants to their re-  
13 spective offices, and

14 (vii) the other officers of the House of  
15 Representatives with respect to the employees  
16 of such officers,

17 (C) the Architect of the Capitol with re-  
18 spect to the employees of the Architect of the  
19 Capitol,

20 (D) the Director of the Congressional  
21 Budget Office with respect to the employees of  
22 such office,

23 (E) the Comptroller General with respect  
24 to the employees of the General Accounting Of-  
25 fice,



1 (F) the Public Printer with respect to the  
2 employees of the Government Printing Office,

3 (G) the Librarian of Congress with respect  
4 to employees of the Library of Congress,

5 (H) the Director of the Office of Tech-  
6 nology Assessment with respect to employees of  
7 such office, and

8 (I) the Director of the United States Bo-  
9 tanic Gardens with respect to the employees of  
10 such gardens.

11 (2) The term “congressional employee” means  
12 an employee who is employed by, or an applicant for  
13 employment with, a congressional employer.

14 (3) The term “similarly situated complaining  
15 party” means—

16 (A) in the case of a party seeking to en-  
17 force a provision with a separate enforcement  
18 mechanism for governmental complaining par-  
19 ties, a governmental complaining party, or

20 (B) in the case of a party seeking to en-  
21 force a provision with no such separate mecha-  
22 nism, a complaining party.

23 **SEC. 109. EFFECTIVE DATE.**

24 This title shall take effect 120 days after the date  
25 of its enactment.

1                   **TITLE II—OTHER**  
2                   **CONGRESSIONAL REFORMS**

3   **SEC. 201. APPLICATION OF THE FREEDOM OF INFORMA-**  
4                   **TION ACT.**

5           (a) IN GENERAL.—The provisions of section 552 of  
6 title 5, United States Code, commonly known as the Free-  
7 dom of Information Act, shall apply to the Congress.

8           (b) OFFICE.—The Congress shall establish an office,  
9 to be known as the “Freedom of Information Access Of-  
10 fice”, in order to assure that Members of Congress comply  
11 with the provisions of law referred to in subsection (a).

12   **SEC. 202. HEALTH CARE REFORMS TO BE APPLICABLE TO**  
13                   **THE CONGRESS.**

14           It is the sense of the Congress that any law enacted  
15 pertaining to the reform of our Nation’s health care sys-  
16 tem should apply to Members of Congress.

17   **SEC. 203. LIMIT ON CONGRESSIONAL APPROPRIATIONS.**

18           The total of amounts appropriated for the legislative  
19 branch of the Government for fiscal year 1995 may not  
20 exceed the total of amounts appropriated for the legislative  
21 branch of the Government for fiscal year 1994.

22   **SEC. 204. PROHIBITION OF FREE PARKING FOR THE CON-**  
23                   **GRESS.**

24           Each Member of Congress and each employee of the  
25 Congress shall pay for parking on the Capitol grounds and

1 parking at any other location provided by the Government,  
2 in the same amount as officers and employees of the execu-  
3 tive branch of the Government pay for similar parking.

4 **SEC. 205. TRAVEL GUIDELINES PROVISION.**

5 Official travel performed by Members and employees  
6 of the Congress shall be subject to the same guidelines,  
7 as to mode and cost of travel, as are applicable to the  
8 executive branch of the Government.

9 **SEC. 206. BARBER SHOPS AND BEAUTY SHOPS TO BE OPER-**  
10 **ATED UNDER CONTRACT.**

11 Any barber shop or beauty shop on the Capitol  
12 grounds shall be operated by contract with a private sector  
13 entity.

14 **SEC. 207. PROHIBITION OF EMPLOYMENT OF ELEVATOR**  
15 **OPERATORS.**

16 No elevator operator may be employed for any eleva-  
17 tor in the Capitol, any House of Representatives office  
18 building, or any Senate office building.

19 **SEC. 208. OFFICE MOVES TO BE PAID FROM OFFICIAL AL-**  
20 **LOWANCES.**

21 The cost of each office move for a Member of Con-  
22 gress shall be paid from an official allowance made avail-  
23 able to the Member.

1 **SEC. 209. PROHIBITION OF PREFERENTIAL AIRPORT PARK-**  
2 **ING.**

3 No Member of Congress or employee of the Congress  
4 may use preferential parking at any airport.

5 **SEC. 210. GIFT AND TICKET PROHIBITION.**

6 No Member of Congress or employee of the Congress  
7 may accept any gift or ticket from a person who is re-  
8 quired to register under the Federal Regulation of Lobby-  
9 ing Act (2 U.S.C. 261, et seq.).

10 **SEC. 211. TREATMENT AND REVIEW OF CONGRESSIONAL**  
11 **EXPENSE ACCOUNTS.**

12 The expense accounts of Members and employees of  
13 the Congress shall be subject to the same treatment and  
14 review as are applicable to the executive branch of the  
15 Government.

16 **SEC. 212. ANNUITY PROVISION.**

17 The annuities and other retirement benefits of Mem-  
18 bers and employees of the Congress shall be the same as  
19 the annuities and other retirement benefits that are avail-  
20 able with respect to the executive branch of the Govern-  
21 ment.

22 **SEC. 213. NO LIMOUSINE SERVICE FOR THE CONGRESS.**

23 No Member of Congress or employee of the Congress  
24 may use any limousine service that is paid for from official  
25 funds.

1 **SEC. 214. PROHIBITION OF PROXY VOTING IN COMMITTEES**  
2 **OF THE HOUSE OF REPRESENTATIVES.**

3 Clause 2(f) of rule XI of the Rules of the House of  
4 Representatives is amended to read as follows:

5 “(f) No vote by any member of any committee or sub-  
6 committee with respect to any measure may be cast by  
7 proxy.”.

8 **SEC. 215. HOUSE OF REPRESENTATIVES COMMITTEE AND**  
9 **SUBCOMMITTEE ATTENDANCE AND VOTING**  
10 **RECORDS TO BE AVAILABLE TO THE PUBLIC.**

11 Clause 2(e)(2) of rule XI of the Rules of the House  
12 of Representatives is amended by adding at the end the  
13 following new sentence: “All committee and subcommittee  
14 attendance and voting records shall be made available to  
15 the public.”.

16 **SEC. 216. PROHIBITION OF PURCHASE OF CALENDARS FOR**  
17 **THE CONGRESS.**

18 Appropriated funds may not be used to purchase  
19 United States Capitol Historical Society calendars for the  
20 Congress.

21 **SEC. 217. PROHIBITION OF SPECIAL SERVICES FOR MEM-**  
22 **BERS AND EMPLOYEES OF THE CONGRESS.**

23 No Federal, State, or local department or agency may  
24 provide any service or assistance for a Member or em-  
25 ployee of the Congress that is not provided for all citizens.  
26 The preceding sentence does not apply in the case of as-

- 1 sistance in support of the constituent or legislative respon-
- 2 sibilities of a Member or employee of the Congress.

